

Prob 12B
(7/93)

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
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OFFICE OF THE CLERK

UNITED STATES DISTRICT COURT

for

District of Nebraska

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Remberto Antonio Leyva-Rivas Docket Number: 8:01CR275
Sentencing Judge: The Honorable Laurie Smith Camp
United States District Judge
Date of Original Sentence: August 26, 2002
Original Offense: Interstate Transportation of Stolen Property [18 U.S.C. 2314]
Original Sentence: Five years Probation
Type of Supervision: Probation
Date Supervision Commenced: August 26, 2002

PETITIONING THE COURT

___ To extend the term of supervision for _____, for a total term of _____.

X To modify the conditions of supervision as follows:

Participate in an outpatient substance abuse treatment program and submit to drug and alcohol testing as instructed by the probation officer. He shall refrain from using illicit drugs and abusing prescription medication during the period of supervision.

Participate in a program for home detention with electronic monitoring for a period not to exceed six (6) months. The cost of electronic monitoring to be waived.

CAUSE

Mr. Leyva-Rivas is being supervised by United States Probation Officer Rachel M. Salamanca from the Central District of California. On or about June 29, 2005, the offender was arrested by officers of the Los Angeles Police Department for terrorist threats, in violation of Section 422 of the California Penal Code. On

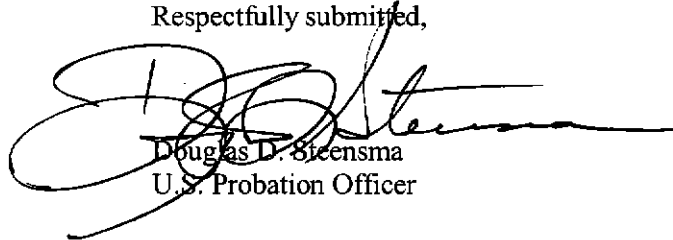
LEYVA-RIVAS, Remberto Antonio
Request for Modifying the Conditions of Supervision
April 24, 2006

July 1, 2005, the offender was charged in the Superior Court of California, County of Los Angeles, with making a criminal threat, exhibiting a deadly weapon other than a firearm, vandalism, and public intoxication. After pleading nolo contendere to making a criminal threat, he was found guilty and placed on probation for 36 months with conditions to include 45 days jail; in lieu of jail, perform 30 days maintenance for the California Department of Transportation; pay \$191 restitution; and attend 104 Alcoholics Anonymous meetings at the rate of two meetings per week. The remaining charges were dismissed.

Due to the fact the offender failed to notify the United States Probation Office within 72 hours of being arrested, or report the new conviction after having been given several opportunities, it appears appropriate to modify Mr. Leyva-Rivas' conditions of supervision. The modification provides both a controlling and correctional intervention. Mr. Leyva-Rivas concurs with the proposed additional conditions and has signed the attached Waiver modifying his conditions.

It is respectfully recommended that the Court modify the conditions of probation.

Respectfully submitted,



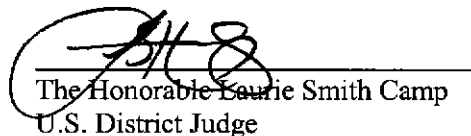
Douglas D. Steensma
U.S. Probation Officer

Date: April 24, 2006

Prepared By:
Mary Benes, Administrative Assistant

THE COURT ORDERS

-
-
- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



The Honorable Laurie Smith Camp
U.S. District Judge

4/25/06
Date

PROB 49
(3/89)

United States District Court

____ District _____ of Nebraska

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

As a special condition of supervision, Remberto Antonio Leyva-Rivas shall (1) participate in an outpatient substance abuse treatment program and submit to drug and alcohol testing, as instructed by the Probation Officer. Further, he shall refrain from using illicit drugs and abusing prescription medication during the period of supervision; and, (2) participate in a program for home detention with electronic monitoring for a period not to exceed six (6) months. The cost of electronic monitoring to be waived.

Witness _____



U.S. Probation Officer

Signed _____



Probationer or Supervised Releasee

3-2-06

Date